

HONORABLE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILD FISH CONSERVANCY,)	Case No. 2:21-cv-00169-RSL
)	
Plaintiff,)	THIRD JOINT STIPULATED
)	MOTION TO EXTEND DEADLINE
v.)	FOR STATUS REPORT AND
)	ORDER
WASHINGTON DEPARTMENT OF FISH &)	
WILDLIFE, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff Wild Fish Conservancy (“Conservancy”) and Defendants the Washington Department of Fish and Wildlife, et al. (“WDFW”) herby stipulate and respectfully move the Court to extend the deadline for filing a joint status report by an additional twenty-one (21) days, from August 3, 2021 to August 24, 2021.

The Court entered a Stipulation and Order, Dkt. No. 7, on March 5, 2021 that, *inter alia*, stayed these proceedings until WDFW received certain exemptions from liability under section 9 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1538, for a new integrated summer steelhead hatchery program on the South Fork of the Skykomish River. Dkt. No. 7, p. 4, ¶ 5. The

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1 Stipulation and Order directed the Conservancy and WDFW (collectively, “Parties”) to confer
2 within fourteen (14) days of the expiration of stay and to file a joint status report within fourteen
3 (14) days of the conferral describing the Parties’ proposal(s) for further proceedings. *Id.* at p. 5, ¶
4 7.

5 WDFW notified the Conservancy that it received two biological opinions (“BiOp”) that
6 each include exemptions from liability under section 9 of the ESA, 16 U.S.C. § 1538, for the
7 hatchery program on Friday April 23, 2021, and the Parties conferred on those exemptions and
8 further proceedings on Friday, May 7, 2021. Accordingly, the joint status report was initially due
9 on Friday, May 21, 2021.
10

11 On May 19, 2021, the Parties jointly moved to extend the deadline for filing a joint status
12 report to allow the Conservancy additional time to review the two new BiOps provided by
13 WDFW. Dkt. No. 8. The Court granted that motion, extending the deadline from May 21, 2021
14 to July 6, 2021. Dkt. No. 9.
15

16 On July 2, 2021, WDFW notified the Conservancy that NMFS approved a hatchery and
17 genetic management plan (“HGMP”) for the new hatchery program that is the subject of this
18 litigation and thereby exempted the program from liability under section 9 of the ESA.
19

20 On July 6, 2021, the Parties jointly moved to extend the deadline for filing a joint status
21 report to allow the Conservancy time to review the approved HGMP. Dkt. No. 10. The Court
22 granted the motion, extending the deadline from July 6, 2021 to August 3, 2021. Dkt. No. 11.
23

24 The Parties have been conferring about case management and are optimistic that they can
25 reach agreement on a proposed case management schedule. However, the Parties need additional
26 time to coordinate their positions and accordingly request a short extension of the deadline for
27 filing a joint status report to allow the Parties time to continue discussions on case management,
28

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1 and if appropriate, jointly propose a case management schedule to the Court. The Parties do not
2 anticipate that this modest time extension will materially delay the orderly administration of
3 justice and anticipate it may conserve the Court's and the Parties resources if the Parties reach
4 resolution on proposed case management.

5 Accordingly, the Parties respectfully move the Court to extend the deadline for filing the
6 joint status report by an additional twenty-one (21) days, from August 3, 2021 to August 24,
7 2021.

8
9 RESPECTFULLY SUBMITTED this 2nd day of August, 2021.

10
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Department of Fish & Wildlife, et al.*

Attorney for Plaintiff Wild Fish Conservancy

ORDER

The Stipulated Joint Motion is hereby GRANTED.

The deadline for the Parties to file a joint status report is hereby extended by an additional twenty-one (21) days, from August 3, 2021 to August 24, 2021.

This action shall be stayed and removed from this Court's active caseload until further application by the Parties or order of this Court.

DATED this 3rd day of August, 2021.



HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

Presented by:

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